

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

MICHAEL D. LITTLE, Beneficiary of
WINTHROP FAMILY TRUST, and
DAVID J. PELKEY, Executor for
WINTHROP FAMILY TRUST,

Plaintiffs,

v.

JAMES R. CLARK, CFO Great
Western Bancorporation Inc., parent
company of Great Western Bank, a
bank chartered under the laws of the
State of South Dakota, successor in
interest to the loans of TierOne Bank,
a federally chartered savingsbank,
THOMAS R. OSTDIEK, Attorney At
Law, #20131 with VALENTINE,
O'TOOLE, MCQUILLAN & GORDON,
ROES I THROUGH X INCLUSIVE, and
DOES I THROUGH X,

Defendants.

CASE NO. 4:11CV3037

MEMORANDUM
AND ORDER

This matter is before the court on a Stipulation for Dismissal filed by Defendants James R. Clark and Thomas R. Ostdiek. (Filing No. [15](#).) Plaintiffs Michael D. Little and David J. Pelkey have both signed the Stipulation and agreed to dismissal with prejudice. (*Id.*) The court accepts the Stipulation.

IT IS THEREFORE ORDERED that:

1. In accordance with the parties' Stipulation for Dismissal (Filing No. [15](#)), this matter is dismissed with prejudice;
2. Defendants' Motion to Dismiss (Filing No. [12](#)) and Amended Motion to Dismiss (Filing No. [14](#)) are denied as moot; and

3. A separate judgment will be entered in accordance with this Memorandum and Order.

DATED this 27th day of June, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge

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